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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	Case No. 2:17-cr-00073-APJ-EJY
)	
Plaintiff,)	<u>STIPULATION TO CONTINUE</u>
)	<u>RESTITUTION HEARING</u>
vs.)	
)	<u>(FIRST REQUEST)</u>
JUSTIN FISHER, AND)	
JOSHUA FISHER)	
)	
Defendants.)	

IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A. Trutanich, United States Attorney, District of Nevada, Christopher Burton, Assistant United States Attorney, representing the United States of America, and Tom Pitaro, Esq., representing Defendant Justin Fisher, and William Terry, Esq., representing Defendant Joshua Fisher, that the restitution hearing in the above captioned case, which is currently scheduled for May 1, 2020, at 9:30 am, be continued and reset to a date and time to be set by this Honorable Court but no sooner than ninety days.

1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-03, which found that due to the

1 outbreak of the coronavirus disease 2019 (“COVID-2019”) in the District of Nevada,
2 the declaration by the Governor of the State of Nevada of a public health emergency
3 due to the spread of COVID-19 in Nevada, and the declaration of local emergencies
4 by local governments due to COVID-19, including Clark County, the Court has
5 sustained “reduced ability to obtain an adequate spectrum of jurors,” and it noted the
6 effects of public health recommendations, including “social distancing measures.”
7 General Order 2020-03 accordingly continued all civil and criminal trials until April
8 10, 2020, pending further order of the Court and found that “the ends of justice are
9 best served by ordering the continuances, which outweighs the best interests of the
10 public and any defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).”

11 2. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of
12 Nevada issued Temporary General Order 2020-04 (collectively with General Order
13 2020-03, “the General Orders”), which noted that “the COVID-19 pandemic has
14 continued to spread,” resulting in the need for “more aggressive social-distancing
15 measures.” The Court noted further that, “[o]n March 17, 2020, the Governor of the
16 State of Nevada ordered the closure of many business establishments and strongly
17 encouraged all citizens to stay home.” Accordingly, the Court ordered the temporary
18 closure of the Clerk’s office, and implemented other changes, including “striving to
19 eliminate in-person court appearances.” In the event any hearing must go forward,
20 the Court will conduct the hearing via video or teleconference. The Court will vacate
21 or amend GO 2020-04 no later than April 30, 2020.

22 3. The defendants have expressed a desire to be present for the restitution hearing, which
23 may require their transport from Bureau of Prisons facilities. Due to COVID-19
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1 concerns, the federal Bureau of Prisons has stopped transporting prisoners for non-
2 essential hearings.

3 4. Defense counsel need additional time to discuss restitution with their clients and
4 prepare for any restitution hearing.

5 5. Accordingly, based on the public health emergency brought about by the COVID-
6 2019 pandemic, and the required social-distancing measures as recognized in the
7 General Orders; the need for additional time to prepare the defense once the public
8 health emergency is resolved; the parties agree to continue the currently scheduled
9 restitution hearing date from May 1, 2020, to a date and time to be set by this
10 Honorable Court but no sooner than ninety days.

11 6. This continuance is not sought for purposes of delay, but to account for the necessary
12 social-distancing in light of the COVID-2019 public health emergency, to allow the
13 defense adequate time to prepare following the resolution of this public health
14 emergency.

15 7. Denial of this request could result in a miscarriage of justice, and the ends of justice
16 served by granting this request outweigh the best interest of the public and the
17 defendant in a speedy trial.

18 8. The defendants are incarcerated but do not object to the continuance.

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9. The additional time requested by this stipulation is excludable in computing the time within which the restitution hearing must commence under Title 18, United States Code, Sections 3664(d)(1) and (5), and the defendants agree to not raise an objection to the order of restitution under those statutes.

DATED this 21st day of April, 2020.

NICHOLAS A. TRUTANICH
United States Attorney

/s/
CHRISTOPHER BURTON
Assistant United States Attorney

/s/
TOM PITARO, ESQ.
Counsel for Defendant
JUSTIN FISHER

/s/
WILLIAM TERRY, ESQ.
Counsel for Defendant
JOSHUA FISHER

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	Case No. 2:17-cr-00073-APG-EJY
)	
Plaintiff,)	<u>FINDINGS AND ORDER ON</u>
)	<u>STIPULATION</u>
vs.)	
)	
JUSTIN FISHER AND)	
JOSHUA FISHER,)	
)	
Defendants.)	

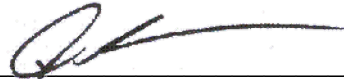
Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. To account for the necessary social-distancing in light of the COVID-2019 public health emergency, to allow the defense adequate time to prepare following the resolution of this public health emergency, the restitution hearing in this case should be continued.
2. The parties agree to this continuance.
3. The defendants are incarcerated but do not object to the continuance.
4. This continuance is not sought for purposes of delay.
5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a restitution hearing.

1 6. The additional time requested by this stipulation is excludable in computing the time
2 within which the restitution hearing must commence under Title 18, United States
3 Code, Sections 3664(d)(1) and (5).

4 THEREFORE, IT IS HEREBY ORDERED that the restitution hearing in the above-
5 captioned matters currently scheduled for May 1, 2020, at 9:30 am, respectfully, be vacated
6 and continued to a date and time convenient to this court, that is
7 August 19, 2020 at 9:30 a.m. in Courtroom 6C.

8 DATED this 22nd day of April, 2020

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12 HONORABLE ANDREW GORDON
13 United States District Court Judge
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